

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

CLOUD NETWORK TECHNOLOGY
USA INC.,

Plaintiff,

v.

RRK TRUCKING INC.,

Defendant.

No. 1:23-CV-028-H-BU

ORDER

The United States Magistrate Judge issued Findings, Conclusions, and a Recommendation (FCR) that the plaintiff's motion for turnover order (Dkt. No. 48) be granted. Dkt. No. 51. No objections were filed.

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR. The plaintiff's motion for turnover order (Dkt. No. 48) is granted.

IT IS THEREFORE ORDERED that defendant RRK Trucking Inc. shall turn over the following intangible property rights to the United States Marshal for the Northern District of Texas:

1. Any causes of action pursuant to the *Stowers* doctrine held by RRK against United Specialty Insurance Company arising from or relating to this lawsuit and the judgment, as set forth in *G.A. Stowers Furniture Co. v. American*

Indemnity Co., 15 S.W.2d 544, 547–48 (Tex. Comm’n App. 1929, holding approved); and

2. Any causes of action pursuant to the Texas Insurance Code held by RRK against United Specialty Insurance Company arising from or relating to this lawsuit and the judgment, including but not limited to Tex. Ins. Code § 541.060(a)(2)(A).

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Texas shall take possession of the property ordered to be delivered, levy on such property as under writ of attachment, deposit such property into the registry of the Court, and all such property shall be released to plaintiff Cloud Network Technology USA Inc. without further court order to be applied to the judgment as follows: to the satisfaction of Cloud’s judgment against RRK (inclusive of the principal amount of the judgment, pre-judgment interest, post-judgment interest, and costs of court), as well as the satisfaction of any court costs and reasonable and necessary attorneys’ fees awarded to Cloud as a result of this turnover proceeding.

IT IS FURTHER ORDERED that given the intangible nature of the property subject to this turnover order, the property subject to this turnover order shall be treated as if RRK had turned the same over to the United States Marshal for the Northern District of Texas on the date of this Order, the Marshal attached the same on the date of this Order, the Marshal deposited the same into the registry of the Court on the date of this Order, and the Court released the same to Cloud without further court order to be applied to the judgment as set forth above on the date of this Order.

IT IS FURTHER ORDERED that Cloud is awarded reasonable and necessary attorneys' fees associated with this turnover proceeding against RRK in the amount of \$3,000.00.

This turnover order is final and appealable. All relief sought in this turnover proceeding but not expressly granted in this turnover order is denied with respect to this turnover proceeding.

So ordered on August 19, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE